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United States of America

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	Civil No.: CV07-6162 BZ
	)	
Plaintiff,	)	AT LAW AND IN ADMIRALTY
	)	
v.	)	
	)	
Tackle, apparel, furnishings, spares, tools,	)	(Proposed)
equipment and certain other appurtenances of	)	ORDER FOR APPOINTMENT
the SS INDEPENDENCE (O.N. 261147),	)	<u>OF SUBSTITUTE CUSTODIAN</u>
<u>in rem,</u>	)	
	)	
Defendant.	)	

Upon Application of plaintiff, United States of America, for an Order appointing a substitute custodian to act in lieu of the United States Marshal in this case, and good cause

1 appearing therefore, it is

2 ORDERED that the plaintiff's Application be and hereby is granted; and it is further

3 ORDERED that Henry Ryan, Western Regional Director, United States Maritime  
4 Administration ("Marad"), be and hereby is appointed in that capacity to act as substitute  
5 custodian of the defendant vessel tackle, appurtenances, etc., in the above-captioned  
6 proceeding during *custodia legis* on behalf of this Court, in place and in stead of the United  
7 States Marshal, and until further order of this Court; and it is further

8 ORDERED that the United States Marshal for this District transfer the aforesaid  
9 defendant vessel tackle, appurtenances, etc., to the custody of the aforesaid substitute  
10 custodian, immediately following its arrest; and it is further

11 ORDERED that upon transfer of custody of the aforesaid defendant vessel tackle,  
12 appurtenances, etc., to the substitute custodian by the United States Marshal, the Marshal  
13 shall not be liable for any loss occurring while it remains in the custody of the substitute  
14 custodian; and it is further

15 ORDERED that all reasonable expenditures of the United States Marshal shall be  
16 administrative expenses in this action and a first charge on the defendant vessel tackle,  
17 appurtenances, etc., to be paid to the United States Marshal prior to the release of said items  
18 or distribution of the proceeds of their sale; and it is further

19 ORDERED that all reasonable expenditures which may be incurred by the United  
20 States of America and the aforesaid substitute custodian for safekeeping or maintaining the  
21 defendant vessel tackle, appurtenances, etc., while they are in *custodia legis*, shall be  
22 administrative expenses in this action and a first charge on said items, to be paid prior to their  
23 release or distribution of the proceeds of their sale, commencing this date, for the cost of  
24 security, routine maintenance and inspection; and it is further

25 ORDERED that the cost of performing a survey and inventory of the aforesaid items  
26 by Marad shall be an administrative expense in this action, and a first charge on the  
27

defendant vessel tackle, appurtenances, etc., to be paid prior to the release of the aforesaid items or the distribution of the proceeds of their sale.

IT IS SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_ 2008 in San Francisco, California.

UNITED STATES DISTRICT JUDGE

PRESENTED BY:

Dated: March 7, 2008

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R. MICHAEL UNDERHILL  
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s/Jeanne M. Franken

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